

## Food and Nutrition Service, USDA

## § 281.2

the household size. The Secretary may also approve alternate methods for issuing food stamp benefits during a disaster when reliance on Electronic Benefits Transfer (EBT) systems is impracticable.

[Amdt. 192, 46 FR 8922, Jan. 27, 1981, as amended by Amdt. 338, 56 FR 63617, Dec. 4, 1991; Amdt. 397, 70 FR 72354, Dec. 5, 2005]

### PART 281—ADMINISTRATION OF SNAP ON INDIAN RESERVATIONS

Sec.

281.1 General purpose and scope.

281.2 Administration.

281.3 Determination of failure.

281.4 Determining Indian tribal organization capability.

281.5 Responsibilities of an Indian tribal organization designated as State agency.

281.6 Liabilities and sanctions.

281.7 Indian tribal organization failure.

281.8 Transfer of program administration.

281.9 Funding.

281.10 Appeals.

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SOURCE: 44 FR 35925, June 19, 1979, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 281 appear at 78 FR 11972, Feb. 21, 2013.

#### § 281.1 General purpose and scope.

(a) These regulations govern the operation of SNAP on Indian reservations either separately or concurrently with the Food distribution program. In order to assure that SNAP is responsive to the needs of Indians on reservations, State agencies are required to consult with Indian tribal organizations about the implementation and operation of SNAP on reservations. Also, under certain specified conditions Indian tribal organizations on reservations can administer SNAP. The Act authorizes the Secretary to pay such amounts for administrative costs as are determined to be necessary for the effective operation of SNAP on Indian reservations.

(b) The operation of SNAP on Indian reservations is governed by all of the terms and conditions set forth in the Food and Nutrition Act of 2008 as amended and the regulations of this chapter.

(c) Additionally, under no circumstances shall any household par-

ticipate simultaneously in SNAP and the Food Distribution Program. Policy governing this prohibition is found in § 253.7(e).

[44 FR 35925, June 19, 1979, as amended at 78 FR 11972, Feb. 21, 2013]

#### § 281.2 Administration.

(a) *Qualification.* (1) The appropriate ITO of an established Indian reservation will qualify for participation under the provisions of this part, when that ITO files an application which demonstrates the status of an area as an established reservation, unless FNS determines that such area(s) does not qualify as a reservation, as that term is defined in these regulations. For purposes of this part, established reservation means the geographically defined area(s) currently recognized and established by Federal or State treaty or by Federal statute whereby such geographically defined area(s) is set aside for the use of Indians. Where such established areas exist, the appropriate ITO is presumed to exercise governmental jurisdiction, unless otherwise determined by FNS:

(2) The appropriate ITO for other areas, in order to qualify as reservations for the provisions of this part, must show to FNS:

(i) That the ITO exercises governmental jurisdiction over a geographic area(s) which enjoys legal recognition from the Federal or a State government and is set aside for the use of Indians.

(ii) A clear and precise description of the boundaries of such geographic area(s).

(3) Otherwise qualified areas for which the responsible ITO has requested operation of the Food Distribution Program alone in accordance with § 283.4, rather than concurrent operation with SNAP, shall be exempt from the requirements of this part, and shall not be considered food stamp areas for any other purposes of this subchapter. Indian tribal households (households in which at least one adult member is recognized by the appropriate ITO as a tribal member) resident in these areas shall be ineligible for food stamp benefits. However, non-Indian tribal households resident in these areas may apply and be certified for food stamps at the